



U.S. AGENCY FOR
INTERNATIONAL
DEVELOPMENT

August 11, 1998

Mr. Donald R. Kisicki
Chief, Office of Inter-Agency
and Intergovernmental Support
U.S. Army Corps of Engineers
20 Massachusetts Ave. NW
Washington, DC 20314

Dear Mr. Kisicki:

This letter serves to memorialize our discussions of July 30, 1998, concerning section 607 determinations by the U. S. Agency for International Developments ("USAID") for the international activities of the Corps Of Engineer ("Corps").

Section 607 of the Foreign Assistance Act of 1961, as amended ("FAA"), 22 U.S.C. 2357, authorizes any agency of the United States government to furnish services and commodities on an advance-of-funds or reimbursable basis to friendly countries, international organizations, the American Red Cross, and voluntary nonprofit relief agencies registered with and approved by USAID when the President determines it is in furtherance of the purposes of Part I of the FAA, i.e. that it contributes to the economic development or security of the country.

Authority to make the Presidential determination has been delegated to both the Department of State and USAID for their respective areas of responsibility by the Presidential Delegation Memorandum of February 16, 1995, 3 CFR 1995 Compilation 442-443. Executive Order No. 12134, July 19, 1979, gives authority for the developmental activities under the FAA to the United States International Development Cooperation Agency ("IDCA"), and this authority was subsequently delegated to USAID by IDCA.

For those Corps projects which require a section 607 determination and involve the development purposes of the FAA, USAID will provide the Corps a determination in a timely manner.

The standard operating procedures for this determination will be as follows.

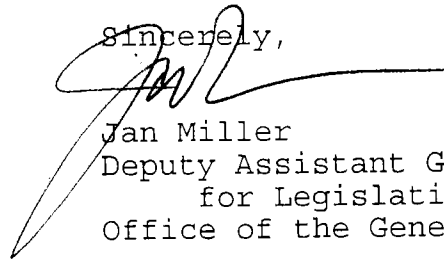
Your office will forward a request for a section 607 determination for a specific project to USAID Office of General Counsel Attn.: Mr. Jan Miller. The request should contain the following information: the name of the entity requesting the service; a short project description

including, estimated cost, and location; the letter of request from the entity requesting the services; and a Corps point of contact.

USAID will determine whether the action is within it's authority and provide a section 607 determination as appropriate.

If you have any questions concerning this matter please contact me at 202 712-4174.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Jan Miller', written over the typed name and title.

Jan Miller
Deputy Assistant General Counsel
for Legislation & Policy
Office of the General Counsel